

MINUTES OF THE
JOINT HEALTH AND HUMAN SERVICES APPROPRIATION SUBCOMMITTEE
Monday, January 22, 2001
Room 403, State Capitol Building

Members Present: Sen. David H. Steele, Committee Co-Chair
Rep. Jack A. Seitz, Committee Co-Chair
Sen. D. Edgar Allen
Sen. Curtis S. Bramble
Rep. Trisha Beck
Rep. David L. Hogue
Rep. David Litvack
Rep. Rebecca Lockhart
Rep. Carl R. Sanders
Rep. Matt Throckmorton

Members Excused: Sen. L. Steven Poulton

Staff Present: Thor Nilsen, Legislative Fiscal Analyst
Spencer C. Pratt Legislative Fiscal Analyst
Norda Shepard, Secretary

Public Speakers Present: Mark Shurtleff, Utah Attorney General
Mark Payne, Acting Director, Division of Mental Health
Dr. Richard Spencer, Clinical Director, State Hospital
Bill Farley, Chairman State Board of Mental Health
Vicky Cottrell, National Alliance for the Mentally Ill (NAMI-Utah)
Fraser Nelson, Disability Law Center
Dave Gessel, Vice-President, Utah Hospital Association
Patrick Fleming, Division Director, Division of Substance Abuse
Dr. James Gibb, Addiction Research and Education Center, U of U
Louis Callister, Chair of the Callister Foundation
Glen Lambert, Executive Directory, Odyssey House
Dian Olsen, Davis County Suicide Prevention
Mark Walsh, Executive Director, Utah Association of Counties
Bill Cox, Rich County Commissioner
Sharon Walters, Daggett County Commissioner
Jack Tanner, Utah Behavioral Healthcare Network

Visitor List on File.

Co-Chair Steele called the meeting to order at 2:08 p.m.

1. Mark Shurtleff, Utah Attorney General

Attorney General Shurtleff stated he wanted to address the committee to remind them of the partnership between the state and local governments. He stated that some services work best at local levels and the state needs to work very closely with them, particularly in the area of health and human services. He asked for specific support for drug courts. He stated the goal is to have a drug court in every single county in the state. He stated that drug courts bring about huge savings and make great bounds in getting people out of a life of crime and out of the courts.

2. Budget Hearing - Division of Mental Health

Before starting the budget hearing, Analyst Thor Nilsen distributed a corrected section for the Budget Analyst book for the Division of Aging and Adult Services (Red Tab 29) and asked committee members to replace that section in their books with the corrected section. He also distributed a sheet listing the FY2002 General Fund Building Blocks for the Department of Human Services.

Mr. Nilsen stated that the public mental health delivery system is at the county level and the state funnels federal and state funds for treatment and oversight of those programs through the local counties. The analyst is recommending a total budget for the Division of Mental Health of \$72,378,900 with \$57,022,100 coming from General Funds. He highlighted some of the programs in this division including the development of a PACT program and the HCFA requirements for seclusion and restraint which will have impact on the budget. He reported on intent language concerning a study and report on whether pre-adjudicated and mentally ill persons detained in jail or the State Hospital should receive credit for time served. This report was due in October, 2000. The group did meet and presented a preliminary report in October but asked for a six-month extension to finish the report. Mr. Nilsen discussed the various department budgets within the division that are presented in the budget book.

Mark Payne, Acting Division Director, distributed a printed budget presentation for the Utah Division of Mental Health. He explained the division is working hard to provide services to people in the areas where services are needed. The goal is to get treatment to those who need it the most. There are 10 community mental health centers serving all 29 counties in the state. The State Hospital provides strictly inpatient care to the most serious mentally ill. He explained the hand-out which included information on the PACT, graphs showing Utah population and staffed psychiatric beds, USH Medical Costs, prescription volume increases, seclusion and restraint information and client satisfaction survey results.

Dr. Richard Spencer, Clinical Director, State Hospital, discussed the seclusion and restraint policy at the hospital. He stated the hospital has made a concerted effort for many years to reduce the use of seclusion and restraint and has been quite successful. Seclusion and restraint are not treatments but are safety measures of last resort. If a patient is very violent or self-destructive, something has to be done to prevent further serious injury to the patient or staff members. HCFA is now requiring that a psychiatrist see every patient within one hour after being placed in seclusion and restraint. The hospital has an average of one incident a day requiring this option.

Bill Farley, Chairman, State Board of Mental Health, stated he has watched the Utah system of mental health mature into an excellent system and was pleased with the great strides that have been made, but now he stated he has been witnessing a decline in the system because of lack of proper funding. He said as a board they travel to all the centers and they hear the same complaints, that in terms of funding, they do not have what they need to provide adequate services. They are asking the legislature to support the board and governor's recommendations which include funding for assertive community treatment and the increase for community providers across the whole system.

Vicky Cottrell, NAMI-Utah, stated she was here to represent those who suffer mental illness and their families who suffer with them. She stated that with the advancement of research and treatments the recovery rate for mental illness is increasing dramatically. Knowing that these diseases are biological, diagnosable and treatable, gives hope to patients and their families. She gave an example of her own daughter's recovery because of these new treatments. She stated that although these advancements have been made, treatment is still not available to everyone. She asked for support to increase funding to help find those individuals in need and give them back their lives. She distributed a pamphlet to committee members.

Fraser Nelson, Executive Director, Disability Law Center, stated her office comes before the legislature to advise them on legal issues surrounding the need for increasing needs of services for people with mental illness in Utah. She said that Utah's mental health system is one of the most poorly funded in the United States. The ultimate cost of this negligence on the state's part results not only in poor mental health care for its citizens but potential legal liability in several areas. She outlined the issues which places the state at risk for potential liability. Those areas are lack of community services for adults, unsafe and illegal conditions at the State Hospital, uneven and unsafe hospitalization, Utah's prisons and jails which are becoming the largest mental health care providers, and violation of the Olmstead decision. She distributed an outline that addressed these concerns.

Dave Gessel, Vice-President of the Utah Hospital Association, said there is a crisis in the psychiatric hospital situation in the state as many private facilities have closed. He states association members inform him that their hospitals are being flooded in ER with mental health and substance abuse problems and all they can do is triage. He said the association supports the PACT team effort and the 23 hour crisis hold facilities.

3. Budget Hearing - Division of Substance Abuse

Analyst Nilsen stated the Division of Substance Abuse is the State substance abuse authority and administers state and federal funds for the treatment and prevention of substance abuse. He is recommending a total budget of \$30,958,000 with \$10,722,800 coming from General Funds. Mr. Nilsen is also recommencing, if funding becomes available, additional funding for METH abuse treatment at about \$250,000. The line item for Drug Courts and Drug Boards will be heard later in the session but it is related to substance abuse. The Division plans to hire a medical director of substance abuse. Currently there is no such position which is required by the federal Substance Abuse Prevention and Treatment Program. He drew attention to the graphs in the Analyst Budget book that gives information for this division.

Patrick Fleming, Division Director, distributed the Division of Substance Abuse Fiscal Year 2000 Annual Report and a printed presentation to the committee. He discussed this handout which contained charts showing Utahns in need of substance abuse treatment, crime problems caused by drug problems, a report on methamphetamine in Utah and other related information. He stated that METH abuse is becoming a tremendous problem in Utah. He said now is the time to get on this problem and urged the committee to support the governor's recommended \$500,000.

Dr. James Gibb of the Addiction Research and Education Center at U of U, stated that Utah stands out in the nation in an area we don't want to be and that is METH abuse. To fight this war on drugs we need research, education and treatment.

Louis Callister, Chair of the Callister Foundation, said he was appearing before the committee because addiction and substance abuse was the cause of his son's death. He established the Callister Foundation after his son's death. He stated that prevention is the key and we need to change public opinion on addictions and substance abuse so people understand there is treatment and help.

Glen Lambert, Executive Directory, Odyssey House, stated that substance abuse impacts every program that the committee deals with but we are making progress. He noted a California study that showed for every \$1 spent on treatment, the taxpayers were saved \$7.14.

Rep. Saunders stated that most of these substance abuse problems begin with tobacco and stated he was sponsoring a bill to help with the problem and asked for support. Rep. Hogue stated he has been approached to sponsor a bill to name illegal use of nitrous oxide as substance abuse and asked for a response from the division. Dr. Judy Engan, Medical Director, Division of Substance Abuse, explained the effects of nitrous

oxide and it's danger.

Dian Olsen, Davis County Suicide Prevention, stated that substance abuse is linked to suicide and urged support for money that goes to treat substance abuse and mood disorders. She stated that substance abuse and suicide can happen to good families and related personal experiences with her own child.

4. Utah Association of Counties

Mark Walsh, Executive Director, Utah Association of Counties, said that every year they appear before the committee and make a presentation of the kind of services and programs they provide and make a press for additional help for all of these programs. He introduced Rich County Commissioner, Bill Cox, who chairs the association. Mr. Cox distributed "Things You Need to Know" which outlines county services. He asked for committee support in implementing a 4% increase into base budgets as well as increases in the medicaid match and the PACT program.

Sharon Walters, Daggett County Commissioner, who serves as chair of the Utah Association of Counties, stated that Health and Human Services is about everyone in the state, which makes funding measurers important and critical.

5. Jack Tanner, Utah Behavioral Healthcare Network

Mr. Tanner from the Utah Behavioral Healthcare Network stated that the exciting thing about mental health and substance abuse today is that there is hope. That hope is for people who can recover but hope evaporates pretty quickly if people can't get treatment. Our ability to provide treatment in Utah is in critical condition. He said he would present a slide presentation that he hoped would demonstrate to the committee why these problems exist and what can be done about them. A slide presentation was given.

6. Other Committee Business

MOTION: Rep. Seitz moved to consider the Building Block list for the Division of Child and Family Services, without amounts at this time, for the priority list.

SUBSTITUTE-MOTION: Rep. Hogue moved to consider each item separately.

After committee discussion, Rep. Hogue withdrew the substitute motion. The original motion passed unanimously.

MOTION: Rep. Lockhart moved to adjourn.

The motion passed unanimously.

Co-chair Steele meeting adjourned at 4:49 p.m.

Minutes reported by Norda Shepard, Secretary.

Minutes of the Joint Health and Human Services Appropriations Subcommittee
Monday, January 22, 2001
Page 5

Committee Co-Chair

Rep. Jack A. Seitz
Committee Co-Chair